## HIGH COURT OF CHHATTISGARH AT BILASPUR

(23)

### Writ Petition No. 2181 of 2006

Petitioners :

1. Kandarpo Ram Yadav S/o Gadadhar Yadav Agea about 42 yrs, Assistant Teacher
2. Simon Lakra S/o Laurence Aged about 52 yrs, Principal
3. Willaim Ekka S/o Patras Ekka Aged about 56 yrs, U.D. Teacher
4. Joseph Tirkey S/o Buddhi Tirkey Aged about 51 yrs, U.D. Teacher
5. Blasiyus Toppo S/o Birsiyus Aged about 51 yrs, U.D. Teacher
6. Smt. Pushpa Kujur W/o Josph Aged about 56 yrs, U.D. Teacher
7. Smt. Valeria Minj W/o Thomas Aged about 49 yrs, U.D. Teacher
8. Linus Minj S/o Ciril Minj Aged about 57 yrs, U.D. Teacher
9. Ramkeshwar Bande S/o Mandeo Ram Aged about 44 yrs, U.D. Teacher
10. Tej Kumar Tirkey S/o Poulus Tirkey Aged about 36 yrs, U.D. Teacher
11. Smt. Madhura Kujur W/o Silbanus Aged about 38 yrs, U.D. Teacher
12. Vijay Bhooshan Panna S/o Tuyu Patel Panna Aged about 38 yrs, U.T. Teacher
13. Ku. Anjana Toppo W/o Libin Toppo Aged about 30 yrs, U.D. Teacher
14. Theophil Ekka S/o Sukhu Ekka Aged about 59 yrs, Physical Training Instructor
15. Ku. Theodara Toppo D/o Gustop Toppo Aged about 50 yrs, U.D. Teacher

All are working at & Address are :- Gandhi Memorial Hr. Sec School Jokbahala Distt. Jashpur (C.G.)

Versus

Respondents :

1. State of Chhattisgarh, Through the Secretary, Department of School Education, Mantralay, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Directorates of Public Instruction, Pension Bada Raipur (C.G.)
3. The District Education Officer Public Instructions Jashpur (C.G.)
4. The Chairman / Manager, Dibya Bandana Girls Primary School Jokbahala, Christian Peoples Committee Jokbahala Distt. Jashpur (C.G.)

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**SB:** **Hon'ble Justice Shri Satish K. Agnihotri**

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Present: Mr. N. Malviya, counsel for the petitioners.
Ms. Deepali Pandey, Panel lawyer for the respondents/State

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**ORDER**

**(Passed on this 12th day of April, 2007)**

1. The question of law involved herein is whether the non-teaching staff working in Government aided school are entitled to the benefit of recommendations of the Fifth Pay Commission under the provisions of the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya Karmchariyon Ke Vetano Ka Sandaya) Adhiniyam, 1978 (henceforth 'the Adhiniyam, 1978') and the rules made thereunder read with the Madhya Pradesh Revision of Pay Rules, 1988 (henceforth 'the Pay Rules, 1988').

2. The identical question of law was considered by this Court in batch of matters i.e. Smt. A. Lall vs. State of Chhattisgarh and other connected matters (W.P. No. 4108 of 2005) and by judgment and order dated 6.2.2007, this Court held that the petitioners who are working in fully Government aided private schools are entitled to the revised pay-scales with effect from 1.1.1996 as prescribed under the Pay Rules, 1988. This Court further for the purpose of payment of arrears had granted certain direction.

3. Admittedly and jointly, it is submitted by the parties that this matter is squarely covered by the judgment and order dated 6.2.2007 passed by this Court in the case of Smt. A. Lall vs. State of Chhattisgarh and other connected matters (Supra).

4. As a result, for the reasons stated in the judgment and order dated 6.2.2007 passed in W.P. No. 4108 of 2005 (Smt. A. Lall vs. State of Chhattisgarh and other connected matters) (Supra). The writ petition is allowed in the same terms and conditions.

**Sd/-**
**Satish K. Agnihotri**
**Judge**